

In the Office Action dated December 6, 2001, the Examiner allowed claims 282-286, indicated claims 287-290 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. The Examiner rejected claims 200-240, 242, and 287-290 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant amended claims 285-287 to provide antecedent basis. Applicant cancelled claims 200-281, 288, and 289 thereby rendering the Examiner's 35 U.S.C. § 112 rejection of these claims moot.

The Examiner rejected claims 200-202, 206, 208-211, 214-216, 222-225, 241-246, 249, 253, 255, and 261-266 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,520,690 to Errico et al. ('690). The Examiner rejected claims 203, 219, 226-236, 250, 258, and 267-277 under 35 U.S.C. § 103(a) as being unpatentable over Errico '690. Claims 200-281 have been cancelled in order for Applicant to pursue new claims 538-751, thereby rendering the Examiner's previous rejections moot.

Applicant submits that claims 282-287, 290, and 538-751 are patentable over the art of record.

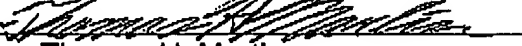
In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1066.

Respectfully submitted,

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CHANGES TO THE CLAIMS

Please amend the claims as follows:

282. (Amended) An anterior cervical plate system for engaging at least three ~~vertebrae~~ vertebral bodies of a human cervical spine along the anterior aspect of the spine, said device comprising:

a plate having a generally rectangular configuration with a first end, a second end, sides, and a length sufficient to span a disc space and overlap portions of at least two adjacent cervical vertebrae ~~vertebrae~~ vertebral bodies, said plate having:

rounded lobes at each corner of said generally rectangular configuration and having rounded lobes on said sides between said first and second ends;

a lower surface for ~~contacting~~ placement against the cervical ~~vertebrae~~ vertebral bodies and an upper surface opposite to said lower surface;

a bi-concave curvature for conforming to the anterior aspect of the cervical spine in lordosis, said bi-concave curvature having a longitudinal concave curvature along the longitudinal axis of said plate and a transverse concave curvature along the transverse axis of said plate;

a plurality of bone screw receiving holes extending through said plate from said upper surface to said lower surface and having a reduced diameter portion near said lower surface, a respective one of said plurality of bone screw receiving holes located at each of said rounded lobes such that said plate has a first pair of said bone screw receiving holes located at said first end of said plate

corresponding to a first of the adjacent ~~vertebrae~~vertebral bodies, a second pair of said bone screw receiving holes corresponding to a second of the adjacent ~~vertebrae~~vertebral bodies, and a third pair of said bone screw receiving holes corresponding to a third of the adjacent ~~vertebrae~~vertebral bodies; and

a plurality of locking elements ~~for locking each adapted to lock to said plate only one each~~ a bone screw placed in said bone screw receiving holes, each of said plurality of locking elements coaxially engageable in a respective one of said bone screw receiving holes to lock ~~a one of said bone screw screws~~ to said plate, each of said locking elements having a bottom surface and a top surface with a depression for engaging a tool used to lock and unlock said locking element to said plate, said bottom surface configured to fit over the bone screw and bear against the bone screw.

285. (Amended) The plate system of claim 282 in which said plate has a length longer than said width, and said ~~lower surface has longitudinal~~ concave curvature ~~has parallel to said length, said concave curvature having a~~ radius of curvature greater than 15 cm and less than 25 cm.
286. (Amended) The plate system of claim 282 in which said plate has a length longer than said width, ~~and said lower surface has a first concave curvature parallel to said width.~~
287. (Amended) The plate system of claim 282 in which said ~~first transverse~~ concave curvature has a radius of curvature in the order of approximately 16 to 21 mm.